

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

January 19, 1989



ALL COUNTY LETTER NO. 88-07

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: FOOD STAMP PROGRAM UPDATE ON IRCA PROVISIONS
AND PROGRAM ELIGIBILITY FOR VARIOUS GROUPS OF ALIENS

REFERENCE: ALL COUNTY LETTER NO. 88-25, DATED FEBRUARY 23, 1988
ALL COUNTY LETTER NO. 88-79, DATED JULY 14, 1988
ALL COUNTY LETTER NO. 88-131, DATED SEPTEMBER 29, 1988

The purpose of this letter is to provide County Welfare Departments (CWDs) with information and clarification regarding Food Stamp Program (FSP) eligibility for aliens under current federal and state regulations. In addition, questions and answers concerning the Systematic Alien Verification for Entitlements program (SAVE) and further clarification regarding usage of the related state forms have been included to assist counties with their implementation procedures. Provisions within the Immigration Reform and Control Act of 1986 (IRCA) allowed FSP eligibility for certain aliens at specific points in time. All County Letter (ACL) 88-25 provided implementation instructions for the Eligible Alien Status Regulations (RDB #0987-44).

AMNESTY ALIENS

For FSP purposes, aliens granted lawful permanent resident status under Section 245A of the Immigration and Nationality Act (INA) are not eligible to participate in the program for at least five years subsequent to their application for temporary residency. The Immigration and Naturalization Service (INS) began accepting temporary residency applications for these individuals on May 5, 1987. Section 245A aliens granted temporary residency must wait eighteen months prior to their application for adjustment to permanent residency. Therefore, some individuals will be eligible to adjust their status to lawful permanent resident as of November 5, 1988. Aliens who are adjusted and granted lawful permanent resident status will be issued an I-551 ("green card") by INS. However, the earliest date these individuals may apply for FSP benefits will be May 5, 1992. CWDs will be able to discern these

individuals from other eligible alien categories by examining the permanent resident code located on the front of the I-551. Attachment 1 provides the applicable permanent resident codes for these individuals.

Aliens granted lawful permanent resident status under Section 245A of the INA and aged, blind, or disabled as defined in Section 1614(a)(1) of the Social Security Act are eligible for program participation as of November 7, 1988. Although the majority of these individuals will already be in receipt of SSI/SSP benefits and will not be eligible for FSP participation, verification of age is potentially available through documents in the possession of the alien applicant. However, a determination of blindness and/or disability, in accordance with the Social Security Act, involves extensive policy and regulatory considerations not currently addressed by the FSP rules.

Further clarification regarding CWD identification of these individuals has been requested from the USDA Food and Nutrition Service (FNS) and will be disseminated to CWDs upon receipt. In the interim, CWDs should flag cases and pend eligibility for those individuals who meet the criteria of a permanent resident under Section 245A of the INA and other program eligibility requirements but who lack appropriate Social Security Administration verification of blindness or disability.

AMERASIANS

ACL No. 88-79, dated July 14, 1988, addressed new legislation which provides for certain Vietnamese Amerasians, with their immediate family members, to be admitted through the Orderly Departure Program beginning on March 20, 1988, under immigrant status as refugees. Information has been received from FNS that these individuals, if otherwise eligible, qualify for Food Stamp benefits. The above referenced ACL contains complete information regarding specific identification documents issued by INS to eligible Amerasian immigrants.

CONDITIONAL PERMANENT RESIDENTS

Individuals granted conditional permanent resident status as alien spouses of United States citizens or lawful permanent residents under the Marriage Fraud Amendments Act of 1986 (P.L. 99-639) are issued an I-551 ("green card") by INS. Although identical in appearance to an I-551 issued to Resident Aliens, this card is only valid for a limited period of time. The expiration date is clearly stated on the back of the I-551. Unless proven otherwise, CWDS

should assume these individuals are sponsored and treat them according to M.S. 63-403.33 and 503.49. Class codes printed on the I-551 which can be used by CWDs for identification purposes of these individuals are included in Attachment 1.

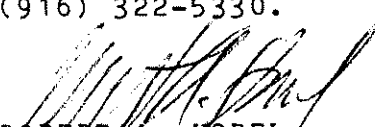
SAVE

Attachment 2 transmits questions and answers which have resulted from the implementation of SAVE. They are primarily intended to update and clarify specific procedural requirements of ACL 88-131 pertaining to the declaration of Citizenship (CA-64).

Procedures contained within ACL 88-131 regarding the SAVE processing requirements for aliens who submit a Temporary Resident Card (I-688) have been modified. For these individuals, CWDs should proceed to initiate primary verification procedures rather than immediately instituting the secondary verification process as the letter instructed on Page 2 of Attachment 2. If the primary response from INS indicates secondary verification is needed, or the alien submits questionable documentation, the CWD should proceed to submit a Document Verification Request Form G-845 to INS.

In addition, final INS instructions altered the SAVE requirement to submit a Consent of Disclosure (CA 64A) with the Form G-845 Document Verification Request when secondary verification is initiated for aliens covered by sections 245(A) and 210 of IRCA. The CA 64A is not required when submitting an I-688 to INS with Form G-845 for secondary verification purposes.

If you have any further questions, please contact Carole Geller of the AFDC and Food Stamp Policy Implementation Bureau at (916) 322-5330.



ROBERT A. HOREL
Deputy Director

Attachments

Resident Alien Codes for Legalization
(Amnesty Aliens)

Temporary and permanent resident codes for aliens legalized under the provisions of the Immigration Reform and Control Act of 1986 (P.L. 99-603) are listed below:

	<u>Temporary Resident</u> <u>Code</u>	<u>Permanent Resident</u> <u>Code on I-551</u>
<u>Section 245A:</u>		
a) Illegally entered the U.S. prior to 1/1/82	TW1	W16
b) Entered U.S. as a non- immigrant prior to 1/1/82 and overstayed visa	TW2	W26
c) Aliens from countries granted blanket extended voluntary departure	TW3	W36

Unless aged, blind or disabled, the earliest these aliens may become Food Stamp Program eligible is 5/5/92.

Aliens granted lawful permanent resident status who are aged, blind or disabled, are potentially eligible for program participation as of November 7, 1988.

Special Agricultural Workers (Section 210):

a) Group I	TS1	S16
b) Group II	TS2	S26

Aliens with temporary residency status admitted under Section 210 were eligible for program participation as of 6/1/87.

Replenishment Agricultural Workers (Section 210A):

a) Applied within U.S.	TR1	R16
b) Applied outside U.S.	TR2	R16

Aliens admitted as replenishment workers are potentially eligible for program participation between 10/1/89 and 9/30/93.

SAVE QUESTIONS AND ANSWERS

1. QUESTION: Is the CA-2 considered an adequate declaration of citizenship/alien status for individuals receiving PA benefits if the case is transferred to mixed (NA) food stamp household status?

ANSWER: Yes, as long as a copy of the CA-2 is included in the NA case file, the CWD would only be required to obtain a CA-64 statement for remaining household members. However, if the CWD has opted to obtain a CA-64 for all household members regardless of PA status, food stamp benefits may not be denied, reduced, or terminated for those members who have signed a CA-2 but have failed to sign the CA-64.

2. Question: Will a CA-8 or CA-20 suffice as a declaration of citizenship/alien status for PA cases?

Answer: No. If a CA-8 or CA-20 is utilized the CWD must obtain a CA-64 for declaration of citizenship/alien status.

3. Question: Should the CWD initiate verification through SAVE when an applicant submits an alien I.D. number but lacks documentation of immigration status?

Answer: No. The CWD should refer the individual to the nearest Immigration and Naturalization Service (INS) office to obtain acceptable documentation of their status.

4. Question: If an applicant has an alien I.D. number and a receipt from INS (other than an I-689 fee receipt for section 210 SAWS aliens) should the CWD initiate verification through SAVF?

Answer: Yes. The CWD should submit copies of the documents and the G-845 to INS via the secondary verification process. However, unless processed as expedited service, the CWD must wait for verification of eligible alien status from INS prior to issuance of this individual's benefits. The I-689 fee receipt is issued by INS prior to Form I-688A (Employment Authorization Card). Neither of these documents is considered adequate verification of acceptable alien status for Food Stamp Program purposes and would not be submitted for verification through SAVE.

5. Question: Must verification through SAVF be initiated when an applicant provides documentation which indicates ineligible status for food stamp benefits (i.e. an I-688 annotated with 245A).

Answer: No.

6. Question: Is the CA-64 obtained at each application, recertification and reapplication?

Answer: Yes. Federal regulations require completion of the food stamp application at recertification and reapplication as a condition of an individual's eligibility for benefits. As a result of IRCA/SAVE requirements, FNS has incorporated a declaration of citizenship/alien status into the federal Food Stamp application. Therefore, the CA-64 is an integral part of each food stamp application. However, once the signed declaration has been obtained, the CWD may not subsequently exclude an individual on the basis of their refusal to re-sign the declaration at recertification unless the CWD has an indication that an alien's status has changed or is questionable.

7. Question: Does the CWD need to reverify an alien's immigration status through SAVE at each application, recertification and reapplication?

Answer: The CWD does not need to reverify an alien's status through SAVE unless the alien has indicated a change or the CWD has reason to question their documented immigration status.

8. Question: Can the CWD update the existing CA-64 when adding an additional household member?

Answer: Yes. The applicant can add the additional household member's name and applicable information to the existing CA-64.

9. Question: Can the CA-64 be photocopied from one case and transferred to another when a member changes households?

Answer: No. Each time an application for food stamp benefits is made, including an application for additional household members, a CA-64 must be completed or an existing CA-64 updated to include these individuals.

10. Question: Is the CWD required to annotate the CA-2 that the PA applicant/recipient was verbally informed of the use of SAVE when all members of the household have declared U.S. citizenship?

Answer: No. The CWD is only required to annotate the CA-2 regarding verbal notification of SAVE for PA households which contain at least one individual with alien status.